

Daniel, G.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
ex rel. Jon J. Platz,

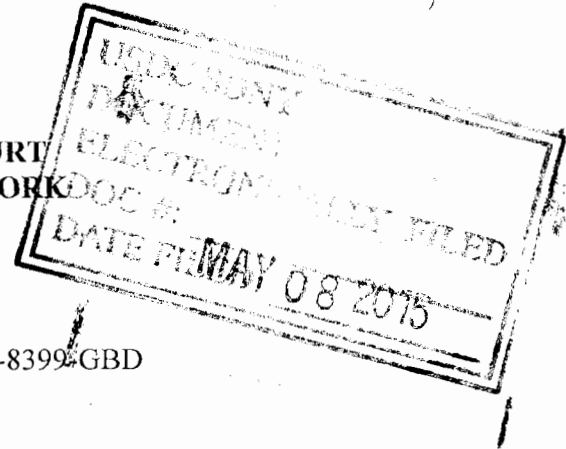
Relator,

v.

BANK OF AMERICA CORPORATION,

Defendant.

1:12-cv-8399-GBD



STIPULATION AND ~~PROPOSED~~ ORDER

WHEREAS Relator Jon. J. Platz filed a Second Amended Complaint on January 13, 2015 (Dkt. 15);

WHEREAS Defendant Bank of America Corporation filed a Motion to Dismiss the Second Amended Complaint with prejudice on March 10, 2015 (Dkt. 27);

WHEREAS Relator filed a Motion to Amend the Second Amended Complaint pursuant to Fed. R. Civ. P. 15 on April 30, 2015 (Dkt. 40);


NOW THEREFORE, Defendant and Relator, subject to this Court's approval, hereby agree and stipulate concerning Relator's proposed Third Amended Complaint as follows:

1. Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendant consents to the filing of the Third Amended Complaint.
2. Relator shall file the Third Amended Complaint on or before May 29, 2015.
3. Once filed with the Court, the Third Amended Complaint shall supersede the Second Amended Complaint (Dkt. 15) and serve as the operative complaint.
4. Once filed with the Court, service of the Third Amended Complaint upon the Defendant by the Relator shall be effected via CM/ECF.

5. Relator's Motion to Amend the Second Amended Complaint (Dkt. 40) is denied as moot.
6. Defendant's Motion to Dismiss the Second Amended Complaint (Dkt. 27) is denied without prejudice as moot.
7. The following briefing schedule shall apply to Defendant's motion to dismiss the Third Amended Complaint:
 - a. Defendant's motion to dismiss the Third Amended Complaint is due by June 5, 2015.
 - b. Relator's opposition to Defendant's motion to dismiss is due by July 6, 2015.
 - c. Defendant's reply to Relator's opposition to Defendant's motion to dismiss is due by July 27, 2015.
8. The oral argument originally scheduled for May 28, 2015, at 11:00 a.m. is continued to August 13, 2015 at 11 Am.

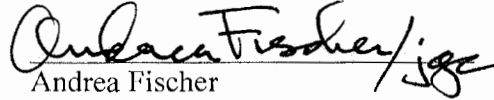
Dated: May 6, 2015

Respectfully submitted,



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Counsel for Relator Jon J. Platz

SO ORDERED this _____ day of May, 2015.



HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE

MAY 08 2015

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